REMARKS

Claims 25-36 are all the claims pending in the application; each of the claims has been rejected.

Claim 25 has been amended to delete a phrase objected to by the Examiner, and to add additional clarifying amendments to the claim.

No new matter has been added. Entry of the Amendment is respectfully requested.

I. Claim Objections

At paragraph 2 of the Office Action, claims 25 is objected to as the phrase "for each of said plurality of predetermined positions" is confusing in view of the description of a first detecting means in lines 3-6.

In response, Applicant includes herewith an amendment to claim 25, deleting the noted phrase as proposed by the Examiner, and making some additional clarifying amendments to the claim.

In view of the amendment to the claim, Applicant respectfully requests reconsideration and withdrawal of this rejection.

II. Rejection of Claims under 35 U.S.C. §102

At paragraph 4 of the Office Action, claims 25 and 29 are rejected under 35 U.S.C. §102(a) as being anticipated by Kubista et al. (Swedish Patent No. 9703251-0, published April 19, 1999, translated in WO 99/13105).

In response, Applicant notes that WO 99/13105 was published on March 18, 1999, after the priority date of December 15, 1998, of the present application. A sworn translation of the priority application (Japanese Patent Application No. 356817/1998) corresponding to the instant

application is being submitted herewith, thereby perfecting Applicant's claim to priority. Each element of the pending claims is supported by the priority application.

In view of the submission of the certified translation of the priority application, WO 99/13105 may not serve as legally-effective prior art against the claims of the present application under any section of 35 U.S.C. §102.

Applicant also notes that while the Kubista et al. PCT application is based on a Swedish application, there is no indication that the Swedish application was independently published prior to the December 15, 1998 priority date in this application. Thus, as it was not published prior to the priority date, it also may not serve as legally-effective prior art in this application.

Therefore, in contrast to the Examiner's position, Applicant asserts that Kubista et al. may not serve as legally-effective prior art against the claims of this application.

In view of the inability of Kubista et al. to serve as legally-effective prior art, Applicant respectfully requests reconsideration and withdrawal of this rejection.

III. Rejection of Claims under 35 U.S.C. §103

A. At paragraph 6 of the Office Action, claim 33 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kubista et al. as applied to claims 25 and 29 above.

The Examiner states that while Kubista et al. did not disclose a first detecting means for detecting a level of a first labeling signal emitted by a first labeling substance where said first labeling substance is a radioactive isotope as recited in claim 33, such would have been obvious to one of ordinary skill in the art.

In response, Applicants refer to their comments above regarding Kubista et al. In view of the fact that Kubista et al. may not serve as legally-effective prior art under 35 U.S.C. §102, the reference may also not serve as legally effective prior art under 35 U.S.C. §103(a).

Because Kubista et al. may not serve as legally-effective prior art, Applicant respectfully requests reconsideration and withdrawal of this rejection.

B. At paragraph 7 of the Office Action, claims 26, 30 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kubista et al. as applied to claims 25 and 29, and further in view of Brown et al. (USP 5,807,522).

The Examiner states that Kubista et al. did not disclose a first detecting means for detecting a level of a first labeling signal emitted by a first labeling substance wherein said first labeling substance labels a plurality of known different specific binding substances and said binding substances are cDNAs as recited in claim 26.

However, based on the disclosure of Brown et al., the Examiner states that it would have been obvious to use cDNA as the specific binding substance.

In response, Applicant refers to the comments above regarding Kubista et al. In view of the fact that Kubista et al. may not serve as legally-effective prior art under 35 U.S.C. §102, the reference may also not serve as legally-effective prior art under 35 U.S.C. §103(a).

Further, Applicant asserts that the disclosure of Brown et al. alone does not teach or make obvious each element of the claimed invention.

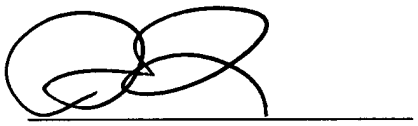
Thus, as Kubista et al. may not serve as legally-effective prior art, and Brown et al. alone does not teach or make obvious each element of the claimed invention, Applicant respectfully requests reconsideration and withdrawal of this rejection.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Drew Hissong
Registration No. 44,765

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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